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Congress of the United States
House of Representatives

COMMITTEE ON WAYS AND MEANS

WASHINGTON, DC 20515

SUBCOMMITTEE ON SOCIAL SECURITY

December 18, 2007

The Honorable Patrick P. O'Carroll, Jr.
Inspector General
Social Security Administration
6401 Security Boulevard
Suite 300, Altmeyer Building
Baltimore, Maryland 21235

Dear Mr. Inspector General:

As you know, claims backlogs at the Social Security Administration (SSA), particularly among those waiting for a decision by an Administrative Law Judge (ALJ), are growing. The number of hearings pending is now more than 750,000, with an average processing time of about one and one-half years. The impacts on many claimants are devastating and, tragically, some die before receiving their decision.

To his credit, the Commissioner of Social Security, Michael Astrue, has made addressing these backlogs one of his top priorities and has taken a number of steps to reduce hearing backlogs, including increasing case processing capacity, increasing automation, and improving business processes.

ALJs in 140 hearing offices, operating under the Administrative Procedure Act, conduct impartial *de novo* hearings and make decisions on appealed determinations involving Social Security retirement, survivors, and disability benefits, and Supplemental Security Income. These hearings are an important step in the disability determination process as they are the first opportunity claimants have to appear in person to present their claims before a decision maker. During FY 2007, close to 1,100 ALJs made over 550,000 decisions.

In recent years, the *Azdell* litigation and fiscal constraints have limited the agency's ability to hire ALJs as needed to make up for attrition and to address the workload. However, effective October 30, 2007, the Office of Personnel Management established a new register of ALJ candidates for federal agencies to use to fill ALJ vacancies. Depending on funding levels for FY 2008, SSA plans to increase the number of ALJs by 150 or more, enabling the agency to move closer to reaching a target corps size of 1,250.

SSA has also faced challenges in maximizing the adjudicatory capacity of its ALJ corps. For example, funding constraints have also limited the amount of support staff SSA can hire to support the productivity of ALJs. While the average number of hearings processed per duty ALJ is currently around 515 per year according to the agency, the agency says that seventeen percent of duty ALJs process fewer than 350 cases per year.

Given the importance of building and maintaining an effective ALJ corps to address hearing backlogs, while at the same time ensuring the independence and quality of ALJ decision-making, the Subcommittee requests the following:

1. ALJ Dispositions:
 - (a) The average number of dispositions issued per ALJ in each of the last three fiscal years;
 - (b) For the past fiscal year, the actual number of dispositions issued by each individual ALJ (this data should not include individual identifiers, and could be presented graphically and summarized in a detailed distributional table);
 - (c) For each hearing office for each of the past three years, the average number of dispositions issued per ALJ;
 - (d) The extent to which ALJ hearing dockets are full or not full, for each hearing office; and
 - (e) To the extent that hearing offices vary in the number of hearings processed per ALJ, any factors that would account for these differences.
2. Processing Time:
 - (a) The average processing time for hearings for each of the past three fiscal years; and
 - (b) the actual average processing time for each individual ALJ in the past fiscal year (this data should not include individual identifiers, and could be presented graphically and summarized in a detailed distributional table).
3. Specific reasons why the number of annual dispositions and processing times vary among ALJs, including any data and other analysis that is available to support such reasons (e.g. support-staff ratios, case mix, absence due to leave, part-time work schedules, management duties, travel dockets, etc.) Particular focus should be on outlier performers, either low producers or very high producers.
4. An identification and assessment of the management tools and practices utilized by the Office of Disability Adjudication and Review, Regional Office Chief ALJs, and Hearing Office Chief ALJs to oversee ALJ performance, productivity, and quality. Please also include data on the number of pending and concluded disciplinary actions against ALJs in the past three fiscal years, including those within SSA and those that involve the Merit Systems Protection Board, as well as a general description of the nature of the allegations.

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5. The management initiatives SSA has taken or intends to take to support increases in ALJ productivity.

Lastly, we would appreciate your contacting our staffs to schedule a meeting to further discuss this request. In the meantime, should you have any further questions, please contact Kathryn Olson, Staff Director, at 202-225-9263, or Kim Hildred, Chief Social Security Advisor, Committee on Ways and Means Republicans, at 202-225-4021.

Sincerely,



Michael R. McNulty
Chairman



Sam Johnson
Ranking Member